

REMARKS

In the Office Action dated February 4, 2009, claims 1-14 and 16-20 were presented for examination. Claims 2-4, 9, 10, 16, and 17 were rejected under 35 U.S.C. §112, second paragraph. Claim 1-14, and 16-20 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Madsen et al.*, U.S. Patent Publication No. 2005/0004942 in view of *Buehler et al.*, U.S. Patent Publication No. 2003/0028895.

Applicants wish to thank the Examiner for the careful and thorough review and action on the merits in this application.

I. Rejection Of Claims 2-4, 9, 10, 16, and 17 Under 35 U.S.C. §112

In the Office Action dated February 4, 2009, the Examiner rejected claims 2-4, 9, 10, 16, and 17 as being unpatentable under 35 U.S.C. §112, second paragraph, as being indefinite. Applicants have amended claims 2 and 16 to provide an antecedent basis for “interpretable format.” With respect to claims 3 and 9, Applicants respectfully disagree that “said function” lacks antecedent basis since “a function” is mentioned in both claim 3 and 9. Accordingly, in view of the amendments presented herein, Applicants respectfully request that the Examiner remove the rejection of claims 2-4, 9, 10, 16, and 17 under 35 U.S.C. §112.

II. Rejection Of Claims 1-14 and 16-20 Under 35 U.S.C. §103(a)

In the Office Action dated February 4, 2009, the Examiner rejected claims 1-14 and 16-20 as being unpatentable under 35 U.S.C. §103(a) over *Madsen et al.* (hereafter *Madsen*) in view of *Buehler et al.* (hereafter *Buehler*)

Applicants’ remarks pertaining to *Buehler et al.* in the prior communications are hereby incorporated by reference.

Madsen teaches network device data structures representing physical devices such as routers, switches, or firewalls. Each device data structure contains metadata concerning that device, such as information about the device vendor, software operating system or command language version, and the appropriate methods and authentication credentials for executing commands on the device. More specifically, the device data structure of *Madsen* is a static

structure created by the user. See paragraph 0052, line 19 of *Madsen*.

In contrast, Applicants do not claim user created metadata. As reflected in the claims, the hardware device of Applicants received a communication, and the **hardware device** responds with metadata describing commands and data associated with the hardware device to the user interface. Since the hardware device is the source of the metadata of Applicants, the metadata of Applicants is dynamically generated and communicated by the hardware device and is not a static user created data structure. Support for the amendments is found in paragraphs 0016 and 0020 of Applicants' publication. No new matter has been added with the amendments presented herewith.

The Examiner employs *Buehler* in relation to dynamically generating a list of commands from the meta data description of a hardware device and managing this device with operator input commands. *Buehler* discloses a method for accessing and managing video network devices. Similarly to *Madsen*, *Buehler* teaches each video device being represented by a data structure (MBean) containing data associated with the video device, such as communication protocol, attributes and commands supported by the device. See paragraphs 0041-0043 of *Buehler*. As noted above and in light of the amendments, Applicants claim the hardware device dynamically communicating a list of commands it supports to the user interface. There is no additional (static) data structure containing data associated with the hardware device in the invention of Applicants. Rather, Applicants claim a single user interface communicating with a wide array of managed hardware devices through a single communication protocol, wherein each hardware device can dynamically provide the user interface with a list of commands it supports. See paragraphs 0006 and 0016 of Applicants' publication.

"To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art."¹ As explained above, each of *Madsen* and *Buehler* teach or suggest managing a device by employing an additional data structure containing data associated with the hardware device. *Madsen* and *Buehler* references applied separately or in combination do not teach each hardware device dynamically providing the user interface with a list commands it supports. It is Applicants' position that *Madsen* and *Buehler* fail to teach each of the limitations claimed by Applicants. Accordingly, in view of the amendments presented

¹ MPEP §2143.03, citing *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

herein, Applicants respectfully request that the Examiner remove the rejection of claims 1-14 and 16-20 under 35 U.S.C. §103(a).

III. Conclusion

Applicants believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. Applicants are not conceding in this application that the prior condition of these claims are not patentable over the art cited by the Examiner, as the present claim amendments and cancellations are only for facilitating expeditious prosecution of the pending application. Applicants respectfully reserve the right to pursue these and other claims in one or more continuations and/or divisional patent applications. Accordingly, Applicants request that the Examiner indicate allowability of claims 1-14 and 16-20, and that the application pass to issue. If the Examiner believes, for any reason, that personal communication will expedite prosecution of the application, the Examiner is hereby invited to telephone the undersigned at the number provided.

For the reasons outlined above, withdrawal of the rejection of record and an allowance of this application are respectfully requested.

Respectfully submitted,

By: /Rochelle Lieberman/
Rochelle Lieberman
Registration No. 39,276
Attorney for Applicants

Lieberman & Brandsdorfer, LLC
802 Still Creek Lane
Gaithersburg, MD 20878
Phone: (301) 948-7775
Fax: (301) 948-7774
Email: rocky@legalplanner.com

Date: May 4, 2009